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February 8, 2023

The Honorable Hector Gonzalez
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *United States v. Christopher Gunn*, 22-CR-314

Dear Judge Gonzalez:

I am writing to provide a joint-update of the status of Christopher Gunn's case and request that the Court modify Mr. Gunn's bond, with no objection from the government.

The status of the case is that the parties are involved in active negotiations. On January 19, I submitted a request to the government that they dismiss the charge against Mr. Gunn or offer him a deferred prosecution. The government anticipates responding to the defense request in the next couple of weeks. The basis for the defense request relates to new information: the charge against Mr. Gunn is based on a short excerpt from an hours-long video that was only recently found by the government. This longer video provides critical, mitigating context related to the charged remarks. At this stage, the parties are hopeful that a proposed resolution is likely.

In the meantime, as anticipated, the parties also propose the following motion schedule for the defense motion to dismiss based on the First Amendment: March 9 for the opening motion, March 23 for the response, and March 30 for the reply. As discussed at the last conference, as this motion would be dispositive to the charge against Mr. Gunn, we would respectfully request that other motions and the trial date be scheduled after a decision is rendered on the First Amendment motion.

Additionally, I respectfully request to modify Mr. Gunn's bond conditions from home confinement to a curfew. The reasons for this request include that Mr.

Gunn wishes to be involved in his children's lives outside of the home, including taking them to and from school, going to their extracurricular activities, and taking them to the park or a museum. The government has no objection.

Respectfully Submitted,

/s/

Allegra Glashausser

Assistant Federal Defenders